

## **Exhibit A to Defendant's Notice of Removal**

**Service of Process  
Transmittal**

03/04/2021

CT Log Number 539150151

**TO:** Brian Bowers, President  
Financial Recovery Services, Inc.  
4510 West 77th Street, Suite 200  
Edina, MN 55435-

**RE: Process Served in Wisconsin**

**FOR:** Financial Recovery Services, Inc. (Domestic State: MN)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** GWEN ZAGORSKI, Individually and on behalf of all similarly situated individuals, Pltf. vs. Financial Recovery Services, Inc., Dft.

**DOCUMENT(S) SERVED:** -

**COURT/AGENCY:** None Specified  
Case # 2021CV000682

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Madison, WI

**DATE AND HOUR OF SERVICE:** By Process Server on 03/04/2021 at 13:34

**JURISDICTION SERVED :** Wisconsin

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780115396905  
Image SOP  
Email Notification, Brian Bowers bbowers@fin-rec.com

**REGISTERED AGENT ADDRESS:** C T Corporation System  
301 S. Bedford Street  
Suite 1  
Madison, WI 53703  
866-539-8692  
CorporationTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

FILED  
02-02-2021  
John Barrett  
Clerk of Circuit Court  
2021CV000682  
Honorable Timothy  
Witkowiak-22  
Branch 22

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

GWEN ZAGORSKI, Individually, and on behalf of  
all similarly situated individuals,  
3615 S 20<sup>th</sup> Street  
Milwaukee, WI 53221,

Plaintiff,

**SUMMONS**

Case No.:

Classification Code: 30301

v.

FINANCIAL RECOVERY SERVICES INC.,

4510 West 77th Street, Suite 200  
Edina, MN 55435,

Defendant.

**Jury Trial Demanded**

Amount claimed is greater than the  
amount under Wis. Stat. §  
799.01(1)(d).

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written Answer, as that term is defined in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the Statutes. The Answer must be sent or delivered to the Court, whose address is: Clerk of Courts, 901 North 9<sup>th</sup> Street, Milwaukee, Wisconsin 53223, and to Plaintiffs' attorney, whose address is Ademi LLP, 3620 East Layton Avenue, Cudahy, Wisconsin 53110. You may have an attorney help or represent you.

If you do not provide an answer within forty-five (45) days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint,

1

DANE COUNTY LEGAL NOTICE  
SERVED BY: Mike Foley  
ON 3/4/21 AT 13:25 M

and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A Judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated: February 2, 2021

**ADEMI LLP**

By: Electronically signed by Mark A. Eldridge  
Mark A. Eldridge (State Bar No. 1089944)  
*Attorney for Plaintiff*

Mailing address:

3620 East Layton Avenue  
Cudahy, Wisconsin 53110  
Phone No.: 414-482-8000

FILED  
02-02-2021  
John Barrett  
Clerk of Circuit Court  
Case 2021CV000682  
Honorable Timothy  
Witkowiak-22  
Branch 22

STATE OF WISCONSIN

CIRCUIT COURT  
CIVIL DIVISION

MILWAUKEE COUNTY

GWEN ZAGORSKI, Individually, and on behalf of :  
all similarly situated individuals, :  
3615 S 20<sup>th</sup> Street :  
Milwaukee, WI 53221, :

Plaintiff,

v.

FINANCIAL RECOVERY SERVICES INC, :  
4510 West 77th Street, Suite 200 :  
Edina, MN 55435, :

Defendant.

**CLASS ACTION COMPLAINT**

Case No.: \_\_\_\_\_

Classification Code: 30301

**Jury Trial Demanded**

COMES NOW Plaintiff Gwen Zagorski, individually and on behalf of all individuals similarly situated, by Plaintiff's Attorneys, Ademi LLP, and for a cause of action, states as follows:

**INTRODUCTION**

1. This class action seeks redress for collection practices that violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the "FDCPA") and the Wisconsin Consumer Act, Chs. 421-427, Wis. Stats. (the "WCA").

**JURISDICTION AND VENUE**

2. The court has jurisdiction to grant the relief sought by the Plaintiff pursuant to Wis. Stat. § 801.05(3). Defendant's collection activities were directed at Wisconsin residents in Wisconsin. Venue in Milwaukee County is proper because the claim arose in Milwaukee County, and Defendant attempted to collect a debt in connection with a consumer transaction

that occurred in Milwaukee County. Wis. Stat. §§ 801.50; 421.401(1)(a) (“The venue for a claim arising out of a consumer transaction or a consumer credit transaction is the county: ... Where the customer resides ....”).

### **PARTIES**

3. Plaintiff Gwen Zagorski is an individual who resides in Milwaukee County.

4. Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. § 1692a(3), in that Defendant sought to collect from her a debt allegedly incurred for personal, family or household purposes.

5. Plaintiff is also a “customer” as defined in the WCA, Wis. Stat. § 421.301(17), in that she engaged in a consumer transaction.

6. Defendant Financial Recovery Services, Inc. (“Financial Recovery Services”) is a foreign business corporation with its principal place of business located at 4510 West 77th Street, Suite 200, Edina, MN 55435.

7. Financial Recovery Services does substantial business in Wisconsin and maintains a registered agent for the purpose of service of process at C T Corporation System, 301 S. Bedford St., Suite 1, Madison, Wisconsin 53703.

8. Financial Recovery Services is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.

9. Financial Recovery Services is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes.

10. Financial Recovery Services is licensed as a “Collection Agency” by the Division of Banking in the Wisconsin Department of Financial Institutions pursuant to Wis. Stat. § 218.04 and Wis. Admin. Code Ch. DFI-Bkg 74.

11. Financial Recovery Services is a debt collector as defined in 15 U.S.C. § 1692a and Wis. Stat. § 427.103(3).

### **FACTS**

12. On or about March 16, 2020, Defendant mailed a debt collection letter to Plaintiff regarding an alleged debt originally owed to “Synchrony Bank” and currently owed to “LVNV Funding LLC” (“LVNV”) with an account number ending in 3751. A copy of this letter is attached to this complaint as Exhibit A.

13. Upon information and belief, the alleged debt referenced in Exhibit A was incurred for personal, family, or household purposes, namely medical services. Exhibit A identifies the Synchrony account was a “Care Credit” account. Care Credit is a Synchrony credit product designed to pay for personal health care expenses. <https://www.carecredit.com/howcarecreditworks/prospective/>.

14. Upon information and belief, Exhibit A is a form letter, generated by computer and with information specific to Plaintiff inserted by computer.

15. Upon information and belief, Exhibit A is a form debt collection letter, used by Defendant to attempt to collect alleged debts.

16. The body in Exhibit A contains the following

\*\*\*\*\*Payments are an option\*\*\*\*\*

As you have not resolved this account, we are extending to you another option.

In an effort to allow you more time to get your finances in order, we will agree to accept \$50.00 per month for the next three months.

At the end of three months the arrangement will be reviewed and hopefully you will be able to pay the remaining balance in full.

To make a payment, please call us at the toll-free number listed below or utilize our on-line web payment solution at [www.fin-rec.com](http://www.fin-rec.com) using the on-line PIN number and FRS file number referenced above.

### **Exhibit A.**

17. The letter implies that paying \$50.00 per month for the next three months merely puts off the inevitable, which is that Plaintiff will have to pay the “remaining balance in full.”

18. The \$50.00 per month “offer” in Exhibit A falsely states or implies that it is a one-time opportunity before the balance in full becomes due in three months or somehow will be more aggressively sought by Financial Recovery Services and/or the creditor. (Exhibit A).

19. Upon information and belief, Financial Recovery Services had authority from the creditor to accept any payment amount, at any time.

20. Statements such as a settlement offer, or a payment plan, is a “one-time offer” are false and misleading because the same offer is, upon information and belief, available at any time.

21. Such false statements are material false statements, as they impart in the unsophisticated consumer, a false belief that he or she must hurry to take advantage of a limited-time opportunity, when in reality, there is no time limit. The unsophisticated consumer is not expected to understand that such offers are available at any time, despite language stating or implying that the offer expires or is otherwise a limited-time offer.

22. That the same offer or a better offer is available at any time was especially true here.

23. On or about April 15, 2020, Defendant mailed another debt collection letter to Plaintiff regarding the alleged debt originally owed to “Synchrony Bank” and currently owed to “LVNV Funding LLC” with an account number ending in 3751. A copy of this letter is attached to this complaint as Exhibit B.

24. Upon information and belief, Exhibit B is a form letter, generated by computer and with information specific to Plaintiff inserted by computer.

25. Upon information and belief, Exhibit B is a form debt collection letter, used by Defendant to attempt to collect alleged debts.



26. Exhibit B contains the following:

If you pay \$1,030.02, the above-referenced account will be considered paid in full. However, we are authorized to offer you the following options to resolve your account:

1. ( ) Our office will allow you to resolve your account for 80.00% of the above referenced balance for a total 1 time lump sum payment of \$824.02. We request this payment within 35 days after receipt of this letter. If you need additional time to respond to this offer, please contact us. Upon receipt and clearance of the payment of \$824.02, this account will be considered resolved in full for less than the full balance. We are not obligated to renew this offer. ; or
2. ( ) Our office will allow you to resolve your account for 87.50% of the above referenced balance for a total payment of \$901.26. You can pay this in 6 payments and we request the first payment within 35 days after receipt of this letter and the payments can be no more than 30 days apart. If you need additional time to respond to this offer, please contact us. Upon receipt and clearance of these six payments of \$150.21, this account will be considered resolved in full for less than the full balance. We are not obligated to renew this offer. ; or
3. ( ) Our office will allow you to resolve your account for 95.00% of the above referenced balance for a total payment of \$978.48. You can pay this in 12 payments and we request the first payment within 35 days after receipt of this letter and the payments can be no more than 30 days apart. If you need additional time to respond to this offer, please contact us. Upon receipt and clearance of these twelve payments of \$81.54, this account will be considered resolved in full for less than the full balance. We are not obligated to renew this offer.

27. Exhibit B, thus, offers to settle the debt for less than the full balance owed less than one month later.

28. The statement in Exhibit A, therefore, that Financial Recovery Services was only willing to forego the full balance due for three months if the consumer agreed to pay \$50 per month was false, misleading and confusing.

29. Plaintiff read Exhibit A and Exhibit B.

30. Plaintiff was confused and misled by Exhibit A and Exhibit B.

31. Plaintiff had to spend time and money investigating Exhibit A and Exhibit B.

32. Plaintiff had to take time to obtain and meet with counsel, including traveling to counsel's office by car and its related expenses, including but not limited to the cost of gasoline and mileage, to advise Plaintiff on the consequences of Exhibit A and Exhibit B.

### ***The FDCPA***

33. Congress has explicitly described the FDCPA as regulating “abusive practices” in debt collection. 15 U.S.C. §§ 1692(a) – 1692(e). Any person who receives a debt collection letter containing a violation of the FDCPA is a victim of abusive practices. *See* 15 U.S.C. §§ 1692(e) (“It is the purpose of this subchapter to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses”). For this reason, and to encourage consumers to bring

FDCPA actions, Congress authorized an award of statutory damages for violations. 15 U.S.C. § 1692k(a).

34. 15 U.S.C. § 1692e generally prohibits “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

35. 15 U.S.C. § 1692e(5) specifically prohibits the “threat to take any action that cannot legally be taken or that is not intended to be taken.”

36. 15 U.S.C. § 1692e(10) specifically prohibits the “use of any false representation or deceptive means to collect or attempt to collect any debt.”

37. 15 U.S.C. § 1692f generally prohibits “unfair or unconscionable means to collect or attempt to collect any debt.”

### *The WCA*

38. The Wisconsin Consumer Act (“WCA”) was enacted to protect consumers against unfair, deceptive, and unconscionable business practices and to encourage development of fair and economically sound practices in consumer transactions. Wis. Stat. § 421.102(2).

39. The Wisconsin Supreme Court has favorably cited authority finding that the WCA “goes further to protect consumer interests than any other such legislation in the country,” and is “probably the most sweeping consumer credit legislation yet enacted in any state.” *Kett v. Community Credit Plan, Inc.*, 228 Wis. 2d 1, 18 n.15, 596 N.W.2d 786 (1999) (citations omitted).

40. To further these goals, the Act’s protections must be “liberally construed and applied.” Wis. Stat. § 421.102(1); *see also* § 425.301.

41. “The basic purpose of the remedies set forth in Chapter 425, Stats., is to induce compliance with the WCA and thereby promote its underlying objectives.” *First Wisconsin Nat’l Bank v. Nicolaou*, 113 Wis. 2d 524, 533, 335 N.W.2d 390 (1983). Thus, private actions

under the WCA are designed to both benefit consumers whose rights have been violated and also competitors of the violators, whose competitive advantage should not be diminished because of their compliance with the law.

42. To carry out this intent, the WCA provides Wisconsin consumers with an array of protections and legal remedies. The Act contains significant and sweeping restrictions on the activities of those attempting to collect debts. *See* Wis. Stats. § 427.104.

43. The Act limits the amounts and types of additional fees that may be charged to consumers in conjunction with transactions. Wis. Stats. § 422.202(1). The Act also provides injured consumers with causes of action for class-wide statutory and actual damages and injunctive remedies against defendants on behalf of all customers who suffer similar injuries. *See* Wis. Stats. §§ 426.110(1); § 426.110(4)(e). Finally, “a customer may not waive or agree to forego rights or benefits under [the Act].” Wis. Stat. § 421.106(1).

44. Consumers’ WCA claims under Wis. Stat. § 427.104(1) are analyzed using the same methods as claims under the FDCPA. Indeed, the WCA itself requires that the court analyze the WCA “in accordance with the policies underlying a federal consumer credit protection act,” including the FDCPA. Wis. Stat. § 421.102(1).

45. Further, the Wisconsin Supreme Court has held that WCA claims relating to debt collection are to be analyzed under the “unsophisticated consumer” standard. *Brunton v. Nuvel Credit Corp.*, 785 N.W.2d 302, 314-15. In *Brunton*, the Wisconsin Supreme Court explicitly adopted and followed the “unsophisticated consumer” standard, citing and discussing *Gammon v. GC Servs. Ltd. P’ship*, 27 F.3d 1254, 1257 (7th Cir. 1994). *Id.*

46. Wis. Stat. § 427.104(1)(c) states that a debt collector may not: “Disclose or threaten to disclose information adversely affecting the customer’s reputation for credit worthiness with knowledge or reason to know that the information is false.”

47. Wis. Stat. § 427.104(1)(e) states that a debt collector may not: "Disclose or threaten to disclose to a person other than the customer or the customer's spouse information affecting the customer's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information."

48. Wis. Stat. § 427.104(1)(g) states that a debt collector may not: "Communicate with the customer or a person related to the customer with such frequency of at such unusual hours or in such a manner as can reasonably be expected to threaten or harass the customer."

49. Wis. Stat. § 427.104(1)(h) states that a debt collector may not: "Engage in other conduct ... in such a manner as can reasonably be expected to threaten or harass the customer."

50. Wis. Stat. § 427.104(1)(L) states that a debt collector may not: "Threaten action against the customer unless like action is taken in regular course or is intended with respect to the particular debt."

51. The Wisconsin Department of Financial Institutions, which is tasked with the regulation of licensed debt collectors, has found that "conduct which violates the Federal Fair Debt Collection Practices Act" can reasonably be expected to threaten or harass the customer. *See* Wis. Admin. Code DFI-Bkg 74.16(9) ("Oppressive and deceptive practices prohibited.").

#### **COUNT I – FDCPA**

52. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

53. Exhibit A includes false statements to the effect that a payment plan offer was a limited time opportunity.

54. Exhibit B proves that the creditor and/or Financial Recovery Services would settle Plaintiff's and class members' debts at a discount and for less than the full balance at any time, regardless of the claim that the offer was only valid for the next three months.

55. Defendant violated 15 U.S.C. §§ 1692e, 1692e(5), 1692e(10) and 1692f.

### **COUNT II – WCA**

56. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

57. Exhibit A includes false statements to the effect that the a payment plan offer was a limited time opportunity.

58. Exhibit B proves that the creditor and/or Financial Recovery Services would settle Plaintiff's and class members' debts at a discount and for less than the full balance at any time, regardless of the claim that the offer was only valid for the next three months.

59. Defendant violated the FDCPA.

60. Financial Recovery Services is licensed as a "Collection Agency" pursuant to Wis. Stat. § 218.04 and Wis. Admin. Code Ch. DFI-BKG 74.

61. Defendant violated Wis. Stat. §§ 427.104(1)(g), 427.104(1)(h), and 427.104(1)(L).

### **CLASS ALLEGATIONS**

62. Plaintiff brings this action on behalf of a Class, consisting of:

(a) all natural persons in the State of Wisconsin (b) who were a collection letter in the form represented by Exhibit A to the Complaint in this action, (c) and subsequently sent a letter in the form represented by Exhibit B to the Complaint in this action (d) seeking to collect a debt incurred for personal, family, or household purposes, and (e) the letter in the form of Exhibit A was mailed between February 2, 2020 and February 2, 2021, inclusive (e) and was not returned by the postal service.

63. The Class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the Class.

64. There are questions of law and fact common to the members of the Class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether Defendant violated the FDCPA and/or the WCA.

65. Plaintiff's claims are typical of the claims of the Class members. All are based on the same factual and legal theories.

66. Plaintiff will fairly and adequately represent the interests of the Class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

67. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

#### **JURY DEMAND**

68. Plaintiff hereby demands a trial by jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of Plaintiff and the Class and against Defendant for:

- (a) injunctive relief;
- (b) actual damages;
- (c) statutory damages;
- (d) attorneys' fees, litigation expenses and costs of suit; and
- (e) such other or further relief as the Court deems proper.

Dated: February 2, 2021

**ADEMI LLP**

By: Electronically signed by Mark A. Eldridge

John D. Blythin (SBN 1046105)  
Mark A. Eldridge (SBN 1089944)  
Jesse Fruchter (SBN 1097673)  
Ben J. Slatky (SBN 1106892)  
3620 East Layton Avenue  
Cudahy, WI 53110  
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jfruchter@ademilaw.com  
bslatky@ademilaw.com

**FILED**

**02-02-2021**

**John Barrett**

**Clerk of Circuit Court**

**2021CV000682**

**Honorable Timothy  
Witkowiak-22**

**Branch 22**

# **EXHIBIT A**



DEPT 813 7459546720038  
PO BOX 4115  
CONCORD CA 94524



RETURN SERVICE REQUESTED

March 16, 2020



GWEN ZAGORSKI  
3615 S 20TH ST  
MILWAUKEE WI 53221-1510

**FINANCIAL RECOVERY SERVICES, INC.**

P.O. Box 385908  
Minneapolis, MN 55438-5908  
1-844-319-2418

Current Creditor: LVNV FUNDING LLC  
Original Creditor: SYNCHRONY BANK  
Regarding: CARE CREDIT  
Account Number: XXXXXXXXXXXXX3751  
Date Of Last Payment: 08/23/18  
Charge-Off Date: 08/15/18  
Date First Delinquent: 02/15/18

Total Balance Due: \$1030.02  
FRS File Number: [REDACTED] 78  
On-line PIN Number: [REDACTED]  
(Used to access and view your file on WWW.FIN-REC.COM)

**\*\*\*\*\*Payments are an option\*\*\*\*\***

As you have not resolved this account, we are extending to you another option.

In an effort to allow you more time to get your finances in order, we will agree to accept \$50.00 per month for the next three months.

At the end of three months the arrangement will be reviewed and hopefully you will be able to pay the remaining balance in full.

To make a payment, please call us at the toll-free number listed below or utilize our on-line web payment solution at [www.fin-rec.com](http://www.fin-rec.com) using the on-line PIN number and FRS file number referenced above.

If you are sending your payment by overnight delivery, please use the following address: 4510 W. 77th St., Suite 200, Edina, MN 55435.

Sincerely,

WADE DAVIS  
Account Manager  
Toll Free: 1-844-319-2418

This is an attempt to collect a debt. Any information obtained will be used for that purpose.  
This communication is from a debt collector.

See reverse side for important information.

Office hours are: Monday-Thursday, 7am to 8pm CST; Friday 7am to 5pm CST; Saturday 7am to noon CST.

**Detach and return this portion of this notice with your payment.**

1 OF 3

FRS File #: [REDACTED] 78



1-844-319-2418

Balance due as of March 16, 2020: \$1030.02

Amount enclosed: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Financial Recovery Services, Inc.  
P.O. Box 385908  
Minneapolis, MN 55438-5908  
Letter Code Sent: 028

2 OF 3

FRS File #: [REDACTED] 78



1-844-319-2418

Balance due as of March 16, 2020: \$1030.02

Amount enclosed: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Financial Recovery Services, Inc.  
P.O. Box 385908  
Minneapolis, MN 55438-5908  
Letter Code Sent: 028

3 OF 3

FRS File #: [REDACTED] 78



1-844-319-2418

Balance due as of March 16, 2020: \$1030.02

Amount enclosed: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Financial Recovery Services, Inc.  
P.O. Box 385908  
Minneapolis, MN 55438-5908  
Letter Code Sent: 028

We are required under certain State and Local Laws to notify consumers of those States or Localities of the following rights. This list does not contain a complete list of the rights consumers have under Federal, State, or Local Laws.

**ADDITIONAL INFORMATION FOR CALIFORNIA RESIDENTS**

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

**ADDITIONAL INFORMATION FOR COLORADO RESIDENTS**

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COAG.GOV/CAR](http://WWW.COAG.GOV/CAR)

COLORADO OFFICE LOCATION: 27 NORTH WILLERUP, SUITE B, MONTROSE, CO 81401  
LOCAL PHONE: 970-249-7514 TOLL-FREE PHONE: 1-866-136-4766

A CONSUMER HAS THE RIGHT TO REQUEST IN WRITING THAT A DEBT COLLECTOR OR COLLECTION AGENCY CEASE FURTHER COMMUNICATIONS WITH THE CONSUMER. A WRITTEN REQUEST TO CEASE COMMUNICATION WILL NOT PROHIBIT THE DEBT COLLECTOR OR COLLECTION AGENCY FROM TAKING ANY OTHER ACTION AUTHORIZED BY LAW TO COLLECT THE DEBT.

**ADDITIONAL INFORMATION FOR MASSACHUSETTS RESIDENTS**

If you wish to discuss this matter, please call us direct, between the hours of 8 a.m. and 5 p.m. CST, at the number listed on the front of this notice. Massachusetts resident office address is: 49 Winter St, Weymouth, MA 02189 with office hours: M-Th 10am-3pm.

**NOTICE OF IMPORTANT RIGHTS:** YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.

**ADDITIONAL INFORMATION FOR MINNESOTA RESIDENTS**

THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

**ADDITIONAL INFORMATION FOR NEW YORK CITY RESIDENTS**

This collection agency is licensed by the New York City Department of Consumer Affairs. The license number is 1015506.

**ADDITIONAL INFORMATION FOR NORTH CAROLINA RESIDENTS**

North Carolina Department of Insurance Permit Number: 3917 Address: 4510 W. 77th St, Suite 200, Edina, MN 55435

NC Permit Number 113527 Address: 6300 Shingle Creek Parkway Ste 220, Brooklyn Center, MN 55435

NC Permit Number 4508 Address: 823 Belknap, Suite 205, Superior, WI 54880

Please direct all correspondence and payments to the following address: P.O. Box 385908, Minneapolis, MN 55438-5908

**ADDITIONAL INFORMATION FOR TENNESSEE RESIDENTS**

This collection agency is licensed by the Collection Service Board of the State Department of Commerce and Insurance.

**ADDITIONAL INFORMATION FOR WISCONSIN RESIDENTS**

This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, [www.wdfl.org](http://www.wdfl.org).

**NOTICE TO ALL CONSUMERS**

Our staff is trained to conduct themselves in a businesslike and professional manner, and to leave you with a positive experience in dealing with our Company. If you have a complaint, criticism, suggestion, or compliment about the way we are collecting this debt, please write to us at P.O. Box 385908, Minneapolis, MN 55438-5908, email us at [compliance@fin-rec.com](mailto:compliance@fin-rec.com), submit on-line at [www.fin-rec.com](http://www.fin-rec.com), or call us toll-free at (866) 438-2860 between 9am and 5pm CST Monday-Friday.

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

**FILED**  
**02-02-2021**  
**John Barrett**  
**Clerk of Circuit Court**  
**2021CV000682**  
**Honorable Timothy**  
**Witkowiak-22**  
**Branch 22**

# Exhibit B

DEPT 813 1116782320040  
PO BOX 4115  
CONCORD CA 94524



RETURN SERVICE REQUESTED

April 15, 2020



GWEN ZAGORSKI  
3615 S 20TH ST  
MILWAUKEE WI 53221-1510

**FINANCIAL RECOVERY SERVICES, INC.**

P.O. Box 385908  
Minneapolis, MN 55438-5908  
1-844-319-2418

CURRENT CREDITOR: LVNV FUNDING LLC  
ORIGINAL CREDITOR: SYNCHRONY BANK  
REGARDING: CARE CREDIT

ACCOUNT NUMBER: XXXXXXXXXXXXX3751

DATE OF LAST PAYMENT: 08/23/18

CHARGE-OFF DATE: 08/15/18

DATE FIRST DELINQUENT: 02/15/18

TOTAL BALANCE DUE: \$1030.02

FRS FILE NUMBER: [REDACTED] 78

ON-LINE PIN NUMBER: [REDACTED]

(Used to access and view your file on WWW.FIN-REC.COM)

If you pay \$1,030.02, the above-referenced account will be considered paid in full. However, we are authorized to offer you the following options to resolve your account:

1. ☐ Our office will allow you to resolve your account for 80.00% of the above referenced balance for a total 1 time lump sum payment of \$824.02. We request this payment within 35 days after receipt of this letter. If you need additional time to respond to this offer, please contact us. Upon receipt and clearance of the payment of \$824.02, this account will be considered resolved in full for less than the full balance. We are not obligated to renew this offer. ; or
2. ☐ Our office will allow you to resolve your account for 87.50% of the above referenced balance for a total payment of \$901.26. You can pay this in 6 payments and we request the first payment within 35 days after receipt of this letter and the payments can be no more than 30 days apart. If you need additional time to respond to this offer, please contact us. Upon receipt and clearance of these six payments of \$150.21, this account will be considered resolved in full for less than the full balance. We are not obligated to renew this offer. ; or
3. ☐ Our office will allow you to resolve your account for 95.00% of the above referenced balance for a total payment of \$978.18. You can pay this in 12 payments and we request the first payment within 35 days after receipt of this letter and the payments can be no more than 30 days apart. If you need additional time to respond to this offer, please contact us. Upon receipt and clearance of these twelve payments of \$81.54, this account will be considered resolved in full for less than the full balance. We are not obligated to renew this offer.

FRS is not a law firm and FRS will not initiate any legal proceedings or provide you with legal advice. The offers of resolution in this letter are merely offers to resolve your account for less than the balance due.

To make a payment, please call us at the toll-free number listed below or utilize our on-line web payment solution at [www.fin-rec.com](http://www.fin-rec.com) using the on-line PIN number and FRS file number referenced above.

If you are sending your payment by overnight delivery, please use the following address: 4510 W. 77th St., Suite 200, Edina, MN 55435.

Sincerely,

WAIDE DAVIS  
Account Manager  
Toll Free: 1-844-319-2418

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This communication is from a debt collector. Office hours are: Monday-Thursday, 7am to 8pm CST; Friday 7am to 5pm CST; Saturday 7am to noon CST. See reverse side for more information.

**Detach Coupon And Mail Payment**

1 OF 3

FRS File # [REDACTED] 78



1-844-319-2418

Balance due as of April 15, 2020: \$1030.02

Amount enclosed: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Financial Recovery Services, Inc.

P.O. Box 385908

Minneapolis, MN 55438-5908

Letter Code Sent: 0B8

2 OF 3

FRS File # [REDACTED] 78



1-844-319-2418

Balance due as of April 15, 2020: \$1030.02

Amount enclosed: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Financial Recovery Services, Inc.

P.O. Box 385908

Minneapolis, MN 55438-5908

Letter Code Sent: 0B8

3 OF 3

FRS File # [REDACTED] 78



1-844-319-2418

Balance due as of April 15, 2020: \$1030.02

Amount enclosed: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Financial Recovery Services, Inc.

P.O. Box 385908

Minneapolis, MN 55438-5908

Letter Code Sent: 0B8



We are required under certain State and Local Laws to notify consumers of those States or Localities of the following rights. This list does not contain a complete list of the rights consumers have under Federal, State, or Local Laws.

**ADDITIONAL INFORMATION FOR CALIFORNIA RESIDENTS**

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

**ADDITIONAL INFORMATION FOR COLORADO RESIDENTS**

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COAG.GOV/CAR](http://WWW.COAG.GOV/CAR)

COLORADO OFFICE LOCATION: 27 NORTH WILLERUP, SUITE D, MONTROSE, CO 81401  
LOCAL PHONE: 970-249-7514 TOLL-FREE PHONE: 1-866-436-4766

A CONSUMER HAS THE RIGHT TO REQUEST IN WRITING THAT A DEBT COLLECTOR OR COLLECTION AGENCY CEASE FURTHER COMMUNICATIONS WITH THE CONSUMER. A WRITTEN REQUEST TO CEASE COMMUNICATION WILL NOT PROHIBIT THE DEBT COLLECTOR OR COLLECTION AGENCY FROM TAKING ANY OTHER ACTION AUTHORIZED BY LAW TO COLLECT THE DEBT.

**ADDITIONAL INFORMATION FOR MASSACHUSETTS RESIDENTS**

If you wish to discuss this matter, please call us direct, between the hours of 8 a.m. and 5 p.m. CST, at the number listed on the front of this notice. Massachusetts resident office address is: 49 Winter St, Weymouth, MA 02189 with office hours: M-Th 10am-3pm.

**NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.**

**ADDITIONAL INFORMATION FOR MINNESOTA RESIDENTS**

THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

**ADDITIONAL INFORMATION FOR NEW YORK CITY RESIDENTS**

This collection agency is licensed by the New York City Department of Consumer Affairs. The license number is 1015506.

**ADDITIONAL INFORMATION FOR NORTH CAROLINA RESIDENTS**

North Carolina Department of Insurance Permit Number: 3917 Address: 4510 W. 77th St, Suite 200, Edina, MN 55435

NC Permit Number 113527 Address: 6300 Shingle Creek Parkway Ste 220, Brooklyn Center, MN 55435

NC Permit Number 4508 Address: 823 Belknap, Suite 205, Superior, WI 54880

Please direct all correspondence and payments to the following address: P.O. Box 385908, Minneapolis, MN 55438-5908

**ADDITIONAL INFORMATION FOR TENNESSEE RESIDENTS**

This collection agency is licensed by the Collection Service Board of the State Department of Commerce and Insurance.

**ADDITIONAL INFORMATION FOR WISCONSIN RESIDENTS**

This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, [www.wdfl.org](http://www.wdfl.org).

**NOTICE TO ALL CONSUMERS**

Our staff is trained to conduct themselves in a businesslike and professional manner, and to leave you with a positive experience in dealing with our Company. If you have a complaint, criticism, suggestion, or compliment about the way we are collecting this debt, please write to us at P.O. Box 385908, Minneapolis, MN 55438-5908, email us at [compliance@fin-rec.com](mailto:compliance@fin-rec.com), submit on-line at [www.fin-rec.com](http://www.fin-rec.com), or call us toll-free at (866) 438-2860 between 9am and 5pm CST Monday-Friday.

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

**STATE OF WISCONSIN****CIRCUIT COURT****MILWAUKEE**

Gwen Zagorski vs. Financial Recovery Services, Inc.

**Electronic Filing  
Notice**

Case No. 2021CV000682

Class Code: Money Judgment

**FILED****02-02-2021****John Barrett****Clerk of Circuit Court****2021CV000682****Honorable Timothy  
Witkowiak-22****Branch 22**

FINANCIAL RECOVERY SERVICES, INC.  
SUITE 200  
4510 WEST 77TH STREET  
EDINA MN 55435

Case number 2021CV000682 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

**Pro Se opt-in code: 644971**

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4120.

Milwaukee County Circuit Court  
Date: February 2, 2021